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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 PRISON LEGAL NEWS,

8 Plaintiff,

9 v.

10 SPOKANE COUNTY, *et al.*,11 Defendants,
12

NO. CV-11-029-RHW

**ORDER ON CROSS-MOTIONS
FOR PARTIAL SUMMARY
JUDGMENT, *INTER ALIA***

13 Before the Court are Motions for Partial Summary Judgment filed by both the
14 Plaintiff (ECF No. 36) and Defendants (ECF No. 40). Also pending are Plaintiff's
15 Motion to Strike and Supplement to Rule 56 (ECF No. 72) and Motion to Expedite
16 (ECF No. 76). The Court heard oral argument on June 16, 2011. Present for Plaintiff
17 were Jesse Wing and Katherine Chamberlain; Robert Binger appeared on behalf of
18 Defendants.

19 The Court determines there are material questions of fact with regard to
20 Defendants' mootness claim, and it therefore denies their Motion for Partial Summary
21 Judgment. Plaintiff may conduct limited discovery and will hold an evidentiary
22 hearing on September 1, 2011, to dispose of the issue. The Court also denies
23 Plaintiff's Motion for Partial Summary Judgment as to its claim for prospective relief,
24 and reserves ruling on the remaining claims until the parties brief the standing
25 question, as discussed at oral argument.

26 Accordingly, **IT IS HEREBY ORDERED:**

27 1. Defendants' Motion for Summary Judgment (ECF No. 40) is **DENIED**.

28 2. Plaintiff's Motion for Summary Judgment (ECF No. 36) is **DENIED in**

**ORDER ON CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT,
INTER ALIA * 1**

1 **part.**

2 3. Plaintiff's Motion to Strike and Supplement (ECF No. 72) is **GRANTED**
3 **in part and DENIED in part.** The Court will not strike Defendants' affidavits but
4 will permit Plaintiff additional discovery. Plaintiff's Motion to Expedite (ECF No.
5 76) is **DENIED**, as moot.

6 4. The parties shall confer by June 24, 2011, regarding Plaintiff's outstanding
7 discovery requests. The Court will tentatively set a telephonic conference on **June 30,**
8 **2011, at 8:00 a.m.** to discuss any discovery disputes. The parties shall contact
9 chambers prior to the hearing to inform the Court whether it is necessary.

10 5. Defendants shall submit their brief on the standing issue on or before **June**
11 **24, 2011.** Plaintiff shall submit its response on or before **July 1, 2011.** Any reply
12 shall be filed on or before **July 8, 2011.**

13 6. A hearing shall be set for **September 1, 2011, at 8:30 a.m.,** in Spokane,
14 Washington. The Court will hear argument and evidence about both the mootness
15 issue and possible damages. If either party seeks to bifurcate this hearing, it should
16 submit a motion to the Court.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
18 Order and to provide copies to counsel.

19 **DATED** this 16th day of June, 2011.

20
21 s/Robert H. Whaley
22 **ROBERT H. WHALEY**
23 United States District Court
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ORDER ON CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT,
INTER ALIA * 2